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on JANUARY 26, 2007

PATENT

Docket No.: 02307K-141581US

Client Ref. No.: UCLA Reference No.: 97-575-B

TOWNSEND and TOWNSEND and CREW LLP

By: Kimberly Rosa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert E. Reiter et al.

Application No.: 09/854,811

Filed: May 14, 2001

For: METHODS FOR INDUCING AN
IMMUNE RESPONSE TO CANCERS
EXPRESSING PSCA

Confirmation No.: 9472

Examiner: Peter J. Reddig

Art Unit: 1642

COMMUNICATION AND NOTICE
OF CORRECTION TO PAPERS
FILED ON JANUARY 10, 2007 WITH
PETITION FOR REVIVAL OF
APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request to take notice of corrections concerning papers filed on January 10, 2007 with a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), with respect to the above-identified patent application. From a review of PAIR, these documents were received by the U.S. Patent and Trademark Office on January 17, 2007.

Applicant believes that no additional fees are required, as payment for the Petition for Revival and Notice of Appeal have been made. However, if a fee is due, the Commissioner is authorized to charge any additional fees, or credit any overpayment, to Deposit Account 20-1430.

Error on Transmittal Form - Examiner's Name

The Examiner's Name was indicated incorrectly on the Transmittal Form. The Transmittal Form should be corrected to identify the Examiner as "**Peter J. Reddig**," instead of "Larry Ronald Helms".

Errors on Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) - Title of Application and Examiner's Name

There are two errors on the Petition for Revival in that the title of the patent application, "Use of (-)(3-Halomethylphenoxy) (4-Halophenyl) Acetic Acid Derivatives for Treatment of Insulin Resistance, Type 2 Diabetes, Hyperlipidemia And Hyperuricemia" should read "**Methods for Inducing An Immune Response to Cancers Expressing PSCA**". The Examiner's name, "Larry Ronald Helms," should read "**Peter J. Reddig**".

The corrections are noted on the attached marked-up copies of the papers submitted January 10, 2007.

Respectfully submitted,



Frank J. Mycroft
Reg. No. 46,946

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FJM:kar

MARKED-UP COPIES

with corrections

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

09/854,811

Filing Date

May 14, 2001

First Named Inventor

Reiter, Robert E.

Art Unit

1642

Examiner Name

~~Larry Ronald Helms~~ PETER J. REDDIG

Attorney Docket Number

02307K-141581US

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/ Incomplete Application



Reply to Missing Parts under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a Provisional Application



Power of Attorney, Revocation Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC



Appeal Communication to Board of Appeals and Interferences



Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify below):

Statement Under 37 CFR 1.37(b) and a Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Frank J. Mycroft

Date

1-10-07

Reg. No.

46,946

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Jessie M. Kelly

Date

1-10-07

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
02307K-141581

First named inventor: Robert E. Reiter

Application No.: 09/854,811

Art Unit: 1642

Filed: May 14, 2001

Examiner: ~~HELM, Larry Ronald~~
REDDIG, PETER J.

Title: ~~Use of (-) (3-Halomethylphenoxy) (4-Halophenyl) Acetic Acid Derivatives for Treatment of Insulin Resistance, Type-2 Diabetes, Hyperlipidemia And Hyperuricemia~~ METHODS FOR INDUCING AN IMMUNE RESPONSE
TO CANCERS EXPRESSING PSCA

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity — fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity — fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Notice of Appeal (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

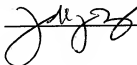
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.
5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

 _____
Signature

1-10-07 _____
Date

Frank J. Mycroft
Typed or printed name

46,946
Registration Number, if applicable

Townsend and Townsend and Crew LLP
Address

(925) 472-5000
Telephone Number

Two Embarcadero Center, 8th Floor; San Francisco, CA 94111
Address

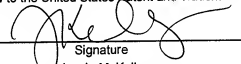
- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Notice of Appeal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

1-10-07
Date

 _____
Signature
Jessie M. Kelly
Typed or printed name of person signing certificate

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

02307K-141581US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on 1-18-07

Signature

Typed or printed
name Jessie M. Kelly

In re Application of Robert E. Reiter et al.Application Number 09/854,811 Filed May 14, 2001For METHODS FOR INDUCING AN IMMUNE
RESPONSE TO CANCERS EXPRESSING PSCAArt Unit 1642Examiner Larry Ronald
Helms

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record.
Registration number 46,946
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Signature

Frank J. Mycroft

Typed or printed name

(925) 472-5000

Telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.